DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/11/2008 has been entered.

Claim Objections

Claims 25-26 are objected to because of the following informalities: the "Computer program product" in claims 25-26 should be changed to –Computer readable medium--. Appropriate correction is required.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to

be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1, 6, 9, 15, 24, 25, and 26 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 2 of U.S. Patent No. 7,356,250, herein after referred to as #250, in view of Okada et al (US 6,148,140).

For claim 1 of the instant application, claims 1 and 2 of #250 teaches "selecting one or more interest points from the at least tow video frames by the user (e.g. column 12, lines 5-10 of claim 2 of #250); manipulating the one or more interest points in the associated video frame in responds to the user by generating a set of op-code instructions that are used to permanently modify original video data corresponding to the one or more interest points in the associated video frame (e.g. column 10, line 65 – column 11, line 3 of claim 1 of #250); and "storing a file ...in unaltered from" (e.g. column 11, lines4-14 or claim 1 of #250); and "wherein during playback of the video montage by a ...in said file (e.g. column lines 15-14 of claim 1 of #250). However, #250 fails to teach a method for compiling and displaying video segments from a digital video disc into a video montage, the method comprising: retrieving a video segment from the DVD formed of a plurality of video frames arranged in an original DVD display order; selecting at least two of any of the plurality of video frames in any display order; creating the video montage by ordering the selected at least two of the plurality of video frames into an order that is different than the original DVD display order; and displaying the

video montage on a display unit; Okada et al teach a method for compiling and displaying video segments from a digital video disc into a video montage, the method comprising: retrieving a video segment from the DVD formed of a plurality of video frames arranged in an original DVD display order (e.g. figures 86A –95, column 95, lines 40-61, original PGC corresponds to "a video segment from the DVD formed of a plurality of video frames arranged in an original DVD display order"); selecting at least two of any of the plurality of video frames in any display order (e.g. column 92, lines 13-65, user-defined PGC #2 composed of cell #2B, cell#4B, and cell$10B, wherein all the cells are from the original PGC); creating the video montage by ordering the selected at least two of the plurality of video frames into an order that is different than the original DVD display order (e.g. the user-defined PGC, which corresponds to "the video montage", has a different display order than the original PGC display order); and displaying the video montage on a display unit (e.g. column 93, lines 41-62, user presses the play key). It would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate the teaching of Okada et al into the teaching of #250 for seamlessly links video streams or parts of video streams in a short time using only a single recording medium (Okada et al, column 3, lines 23-28).

Claim 15 is rejected for the same reasons as discussed for the reasons as discussed in claim 1 above.

Regarding claims 6 and 25, Okada et al teach storing the video montage on a storage medium that is not the DVD (column 93, lines 41-62, user presses the play key to playback the user-defined PGC, and column 53, lines 25-39 and figure 40 teach the

user-defined PGC is stored in a buffer, which is different from the DVD, in the reproduction process).

Regarding claim 9, Okada et al teach the digital video comprises a plurality of titles (e.g. figure 35, movie2. VOB and Movie3.VOB).

Regarding claim 24, Okada et al teach storing the video montage on the DVD (e.g. column 63, lines 31-42).

Regarding claim 26, Okada et al teach operable to store the video montage on the DVD (e.g. column 63, lines 31-42).

4. Claims 11-14 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 2 of U.S. Patent No. 7,356,250, herein after referred to as #250 and Okada et al (US 6,148,140) as applied to claims 1, 9, 10, 15, 24, 25, and 26 above and further in view of Kanda (US 5,930,446) and Tokashiki (US 6,600,868 B2)

See the teaching of #250 and Okada et al above.

Regarding claim 11, #250 and Okada et al teach a clip chart listing the one or more video segments, wherein the clip chart shows the one or more video segments in replay order (e.g. figure 90). However, Okada et al fail to teach a user interface for entering information about the video montage; a graphical representation of a run time of the video montage, wherein the run time represents a length of the video montage; a video clip setting area, wherein the video clip setting area has a user interface for entering at least the start time of each of the one or more video segments. Tokashiki teaches a user interface for entering information about the video montage (e.g. figure

12, entering title); a video clip setting area, wherein the video clip setting area has a user interface for entering at least the start time of each of the one or more video segments (e.g. figure 13). It would have been obvious to one ordinary skill in the art at the time the invention was made to have utilized the user interface disclosed by Tokashiki in the system disclosed by Okada et al to make the mapping between the contents title and the contents ID in a correspondence table and starting the recording of contents at a time reserved (e.g. column 11, line 19-33).

Okada et al and Tokashi fail to teach a graphical representation of a run time of the video montage, wherein the run time represents a length of the video montage; Kanda teaches a graphical representation of a run time of the video montage, wherein the run time represents a length of the video montage (e.g. figure 3, 23b and 23c); It would have been obvious to one ordinary skill in the art at the time the invention was made incorporate the teaching of Kanda into the system of #250 and Okada et al and Tokashi to simplify the editing system.

For claim 12, Tokashiki teaches the video clip setting area comprises a name and description of each of the one or more video segments (e.g. figure 12, title 81, wherein the entered title corresponds to "name and description").

For claim 13, Kanda teach a still shot of an image associated with each of the one or more video segment (column 7, lines 57-65).

For claim 14, Okada et al teach a user interface for selecting a video title from the digital videodisc, the video title comprising the one or more video segments (figure 89A and 89B).

4. Claim 10 is rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1 and 2 of U.S. Patent No. 7,356,250, herein after referred to as #250, and Okada et al (US 6,148,140) as applied to claims 1, 6, 9, 15, 24, 25, and 26, and further in view of Official Notice.

See the teaching of #250 and Okada et al above.

Regarding claim 10, #250 and Okada et al teach main title (e.g. figure 45A source AV file), a director's cut (e.g. figure 46A, merge result), a deleted scene (e.g. figure 15C, partially deleted area which include VOBU#1 and VOBU#2). However, Okada fails to teach an alternate view. The examiner takes official notice for alternate view since it is well known in the art. It would have been obvious to one ordinary skill in the art at the time the invention was made to incorporate the alternate view of the title into the system of #250 and Okada et al for increase the level of detail of the AV data.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daquan Zhao whose telephone number is (571) 270-1119. The examiner can normally be reached on M-Fri. 7:30 -5, alt Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai Q, can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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